

**SUPREME COURT MINUTES  
TUESDAY, JULY 27, 1999  
SAN FRANCISCO, CALIFORNIA**

S056924 NBC Subsidiary (KNBC-TV), Inc. et al., Petitioners

v.

Los Angeles County Superior Court, Respondent

Sondra Locke et al., Real Parties in Interest

The judgment of the Court of Appeal issuing a writ of mandate directing the trial court to vacate its September 12, 1996, closure order, is affirmed.

George, C.J.

We Concur:

Mosk, J.

Kennard, J.

Baxter, J.

Werdegarr, J.

Chin, J.

Brown, J.

S058639 People ex rel. Department of Corporations, Plaintiff

v.

Speedee Oil Change Systems, Inc. et al., Defendants

Gary Burch et al., Interveners and Respondents

Mobil Oil Corporation, Movant and Appellant

We reverse the judgment of the Court of Appeal and remand the cause to the Court of Appeal with directions to order further trial court proceedings consistent with this opinion.

Chin, J.

We Concur:

George, C.J.

Kennard, J.

Baxter, J.

Werdegarr, J.

Brown, J.

Concurring Opinion by Mosk, J.

S072065 Jose Carrillo, Plaintiff and Respondent

v.

ACF Industries, Inc., Defendant and Appellant

The judgment of the Court of Appeal is reversed and the matter remanded for further proceedings consistent with this opinion.

Brown, J.

We Concur:

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Dissenting Opinion by Mosk, J.

S059461 People, Respondent

v.

David Morales, Appellant

On application of appellant and good cause appearing, it is hereby ordered that the time to serve and file the opening brief on the merits is extended to and including August 30, 1999.

S076868 Theodore L. Haas, Respondent

v.

County San Bernardino et al., Appellants

On application of appellants and good cause appearing, it is ordered that the time to serve and file appellants' reply brief on the merits is extended to and including September 1, 1999. No further extensions of time are contemplated.

S049596 People, Respondent

v.

Stanley Bryant, Leroy Wheeler and  
Donald Franklin Smith, Appellants

Upon request of appellant Leroy Wheeler for appointment of counsel, Conrad Petermann is hereby appointed to represent appellant Wheeler for the direct appeal in the above automatic appeal now pending in this court.

S080750      In the Matter of the Resignation of **Richard M. Powers**  
A Member of the State Bar of California

The voluntary resignation of **Richard M. Powers** as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against him should he hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Business & Professions Code, § 6126, subd. (c).)

S079130      In re **Mary E. Cochran** on Discipline

It is ordered that **Mary E. Cochran, State Bar no. 162269**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that she be placed on probation for three years on condition that she be actually suspended for 120 days and until she makes restitution to Joyce Close (or the Client Security Fund, if appropriate) in the amount of \$2907 plus 10% interest per annum from April 1, 1996, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel. She is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed April 8, 1999, as modified by its order filed April 15, 1999. If she is actually suspended for two years or more, she shall remain actually suspended until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of her actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that she comply with rule 955, California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6140.7 (as amended effective January 1, 1997) payable in equal

amounts prior to February 1 of calendar years 2000, 2001 and 2002.

\*(See Business & Professions Code, § 6126, subd. (c).)

S079133      In re **Dain Roy Birkley** on Discipline

It is ordered that **Dain Roy Birkley** be suspended from the practice of law for six months, that execution of suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed October 7, 1998, as modified by its order filed November 2, 1998. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7.

----- Inquiry Concerning Judge Susanne S. Shaw, No. 156

Upon the request of the Commission on Judicial Performance for the appointment of three special masters in the above proceedings, the following judges, selected by the commission from a list submitted by the Supreme Court, are hereby appointed special masters to hear and take evidence in such matter and report thereon to the commission. (See rule 121, Rules of Com. on Jud. Performance.)

1. Honorable Reuben A. Ortega  
Court of Appeal, Second Appellate District, Division One
  2. Honorable Douglas E. Swager  
Court of Appeal, First Appellate District, Division One
  3. Honorable Steven Z. Perren  
Superior Court of Ventura County
- Justice Ortega is designated presiding special master.

Dated: July 27, 1999

Ronald M. George  
Chief Justice of California and  
Chairperson of the Judicial Council